G. R. S. 58
Previous references.

1418

File No. 393 06

1907.
(Genl Bs)

Serial Nos. 162

Later references.
Legislation 07
Sl no 1 B Dec 07

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 162

Part B. for August 1907.

SUBJECT.

Exemption from payment of tolls.

1. From the Presdt, Orissa Bd, myprsg no. 671 J 20 7/07. Sl Govt's orders as to whether toll should be levied on Carts in Certain Cases.

2. To OO; Comptr; & Presdts. of other Dtt Bds. & Dy Comrs. no. 1360—D J 10—8—07. States that the owners of Carts have the Option of Compounding for payment of tolls & that the exemptions might be made in the Case of Govt. Servants who not entitled travelling allowance who are travelling on duty.

GPB 18,000—7-5-07

G.R.S. 11] 1906-07

GENERAL AND REVENUE SECRETARIAT

(Local Boards)

NOTES.

L/S File. No. 393/06

FILE HEADING.

Exemption from payment of Tolls

From

The President of the District Board of Mysore

No. 671 Dated 20-3-07 Received 27-3-07

Diary No. 8146	Encls.	Spare Copies.	Serial No/

BRIEF ABSTRACT OF LETTER.

Solicits orders as to whether tolls should be levied on carts passing through toll gates but ~~moving~~ from one place to another within the province and whether Government Servants who do not draw travelling allowance should pay tolls on carts while passing thro' the toll gates

NOTES AND ORDERS.

The Amsur Sub-Division officer in his letter No: 173 dated 12-2-07 received with the letter under disposal, referred to 2 points. As regards point-I, it is hard upon the people of Periapatam owning lands in the adjoining villages to be called upon

NOTES—First sheet.

GPB—30,000—20-3-06.

Serial No.

to pay tolls at the Toll bar in the place on their carts or animals going to or coming from their lands and that upon this complaint a reference was made to Government, who in their order No 9079-86 dated 5-3-1906 called for upon the views of the District Board but who were not consulted in the matter probably because a similar question about the Kollegowdanahally toll gate had been discussed previously and draft rules adopted. He adds that the original object of the Deputy Commissioner while he suggested the introduction of Tolls in 1893 was for levying tolls on carts coming into and going out of the Province and not on carts in the Province moving from one place to another and recommends exemption from Tolls the latter class of carts and petty traders, Taleary of tolls being confined to carts and merchants coming from the British side of Periapatam.

As regards this suggestion the Deputy Commissioner states that it is not easy to distinguish a cart going to British territory from one plying in this Province and that all carts must either pay tolls or be covered by a free license

Flag S. dB 315-03-2

Flag Z

NOTE—Contn. sheet

GPB—10,000—18-1907

Serial No.

It is submitted that whatever may be the intention of the Deputy Commissioner while recommending the introduction of tolls in 1894, the levy was sanctioned under the Chief Commissioner notification of 1874 which does not authorize exemption of the kind referred to

In proceedings No. 4169 / 27 111-94 dated 8.10.1897 the levy of tolls was sanctioned in respect of out-going traffic.

The late 8th Councillor in his note dated 5.2.06 in file No 315 of 1906 was pleased to remark "I find it nowhere stated that at the Toll gates of Periyapatam, Ankanahally and Ponchavally, the agriculturists deserve special treatment

The draft rules for regulating traffic at the Kollegowdanahally or other roads where toll gates exist were circulated among the Deputy Commissioners of the District and the opinion they furnished are embodied in the notes of the linked file AB 81-05

The issue of final orders awaits the receipt of a tracing, which the present Deputy Commissioner of Mysore has promised

The question of exempting the carts of the Agriculturists at Toll gates in the

NOTE—Contn. sheet

Serial No.

Several districts was discussed in the linked file KB No 315-05 and rules and orders in force in the Madras Presidency in regard to the Compounding for payment of tolls payable by persons owning Carts, outside the Toll bars, have been obtained through the ~~Hon'ble~~ Residency.

Final orders have yet to be passed on the subject.

Point II. The other point referred to in the Sub-Division officers communication is the exemption from payment of tolls in favor of Sheikdars, work Inspectors etc who get no travelling allowances, as they move about on horse-back

These will be taken as Remarks in the District Collector's Office.

As work Inspectors draw a permanent allowance of Rs 10 p.m. there seems to be no reason why they should be exempted from payment of tolls. In regard to the exemption in respect of ~~Maistries~~ other Officers who draw no travelling allowance the Under Secretary of Rr I in his note dated 26.9.04 ~~in the case~~ on Rev file No 566 of 1903 discussed the question fully. He observed that under para 5 of the Chief Commissioners notification of 1874 Govt servants of the Police and

Action Page 11

NOTE—Contn. sheet

Serial No.

Military departments are entitled to exemption and brought to notice the hardship which, if the rule be inflexibly enforced will impose upon the petty revenue and excise officials who maintain Small ponies and who have to pass up and down constantly on business and who are not in receipt of any travelling allowance and recommended exemption in their favor.

Govt Government in their order G.P. N° 4585 dated 25.11.04, declined to Rev Mis 566-03 grant further exemptions than those already conceded in Chief Commissioner's notification of 1874.

The Sub-Division officer requests early orders on these points to enable him to give definite information to the bidders at the next auction of the right to collect tolls.

Submitted for orders.

KP.
Dy 9/15/4/07

Please submit this with the linked file when all the replies are received as the disposal of the 1st question depends on the final orders issued in the other case.

DB
17/4/07

Ref Mis 566-03

The sales have been confirmed & confirmed by the Dy. Commr. Reports are being received

K.P.
19.6.07

P.A.
5917/4

G.R.S. 12]
General and Revenue Secretariat.

LB File No. 393 of 1906-07

Serial No.

Resubmitted. The sketch showing the Villages comprising the vicinity of the toll Gate at Kollegowdanahally which was hitherto awaited for the disposal of the question re "Exemption of agriculturists in the vicinity of toll gates from payment of Toll" in the linked file LB. 81-05 has been received And put up.

KP 19.6.07. In such cases as the one referred to and also Kollegowdanhalli (alluded to in the linked file), the simplest course to follow would be to allow the owners of carts the option of

(A) compounding for payment of tolls under Rule 64 of the Rules issued under the Local Boards' Regulation, as remarked by the Councillor in his note of 30th August 1906 (in the linked file).

Flag Y in the (linked) file 81-06.

The Exemption claimed on

(B) behalf of Sheikdars, Excise Officials & others who are not entitled to travelling allowance, seems inadmissible. Please see the Govt order of 25th Nov 1904. Subd to the Councillor.

Flag N.

3246
22.6.1907
Mysore.

NOTE—Contn. sheet

GPB—10,000—18-1-07

26/6/07

G. R. S. 12]
General and Revenue Secretariat.

LB File No. 393 of 1906-07

Serial No.

(A) Yes. This may be ordered accordingly.

(B) I think there requires exemption. This will be carried effect. The Dy. Cr can draw up a list of the officials & their number can be mentioned in the Toll Contractors Muchalika. The officials will be locally made known or can convey an exemption Certificate from the Dy. Cr. Probably the Rules will require amendment. Steps may be taken for such amendment & these communicated thereby thereto. That this is being done 20/7/07

5551 24/7/07 Submd to Dewan

24/7

I agree in the foregoing opinion. 28/7/1907.

Put up a draft order

30/7

30/7

Draft Submitted together with another in the linked file LB 81-05.

31.7.07.

31/7/07

Issued 31/7

NOTE—Contn sheet.

GPB—50,000—17-3-07

G.R.S. 12]
General and Revenue Secretariat.

8

LB File No. 393. of 1906 07.

Serial No. 2

To do: Comptr and Presidents of other Dc Bds and Deputy Comrs 1360-8/10.8.07

Directs that agriculturists and others plying often through toll-gates should be allowed the option to compound for payment of tolls and that Govt servants not entitled to draw T.A. allowances should be exempted from payment of tolls while travelling on duty.

Secy's letter 30.8.07

The Local Boards rules re the levy of tolls require amendment as observed by the 1st Councillor in Para (B) on the last page. May this be therefore sent to Branch III for necessary action. LB 81-05 Slo 3-16 B Aug 07 KP 57 is also put up for reference

30.8.07

31/8/07

Yes BB 31/8/07

Copy of the rules forthcg Secy

T mis 38

GPB—10,000—18-1-07

1906-07.

From

The President District Board
Mysore District.

To

The Secretary to the Govt. of Mysore
Genl & Rev. Depts Bangalore

Dated

Despatched 22nd March 1907

Received

General No. 671
No.

Enclosure No. nil

Solicits definite orders
in the matter of levying tolls
in certain cases.

No. 6

Recd

Deputy Commrs. Office
Mysore District
Dated Mysore 20th March 1907.

To, D 8146
2.B 393-06
SC-1

The Chief Secretary to the Government of Mysore
B.A., B.L.,
Secretary to the Government of Mysore
Genl: and Rev: Department,
Bangalore.

Sir,

I have the honor to submit herewith copy of letter No. 173 of the 12th February 1907, from the Assistant Commissioner of the Hemavati sub-division, on the matter of levy of tolls on carts plying in the Province. The questions therein raised for decision are (1) whether tolls should be levied on all the carts passing through the toll-gates, irrespective of the place of their destination, and (2) whether the Government officials who are not drawing any travelling allowance, have to pay tolls on carts, while passing through the toll-gates.

2. With regard to the first point, I beg to submit that as it is not easy to distinguish a cart going to the British Territory from one plying in our own Province, all carts must either pay tolls or be covered by a free licence. A reply to Government

docket

Paper under discussion letter

Flag V

Flag V in the linked file

Flag N

d.B.(81-05)-12

is submitted separately. 2

3. As regards the second point, the Govern-ment order No. R.4588 / Rev 566-03-2 of the 25th November 1904, directs "that no further exemption than which has been conceded in the late Chief Commissioner's Notification No. 274 of the 4th November 1876, is called for, as they are allowed to draw batta and allowance while they travel on duty." But in Coorg, all public officers of all grades travelling on duty except those entitled to draw travelling allowance are exempted from payment of tolls (vide page 56 of the second part of the Coorg Gazette dated the 1st March 1907) a similar con-cession may be extended in the case of the officials of the above description in our Province also.

I request that you may be so good as to obtain early orders of Government on these two points, as the rights of collecting tolls during the ensuing year has to be sold by public auction early in May next.

I have the honour to be,

Sir,

Your most obedient Servant

President

District Board, Mysore.

From A. Subramanya Iyer Esqr. B.A
Assistant Commissioner
Hunsur Sub division

To M. Kaul Raja Urs Esqr. B.A.
Deputy Commissioner
Mysore District.

Dated 12-2-07

Despatched

Received

General No. 173
No.

Enclosure No.

Sir,

In forwarding herewith petition No 130 dated 23rd Jan 1907 received from one Shanabhoga Sitaramiah of Basiya-palana about the levy of toll on carts bringing to his house grain grown on his land, I have the honor to state that it is very desirable before the auction sale of this year to settle the question whether toll is to be paid on carts moving from one place

place to another within the limits of the province, I have referred to the Government order etc referred to in this petition.

2 The levy of toll in this District was first sanctioned in Government order No 1810-7-8 / L.7.190-93 dated 26-4-1894. The Deputy Commissioner in his letter to Government recommending this has stated thus:—

Flag L

"Besides as it is now proposed to establish the tolls only at the frontier, on carts going to or returning from British Territory, the levy of such tolls does not affect traffic within the Province and cannot be considered as imposing an additional burden upon agricultural industry in Mysore." The object evidently was to levy tolls on carts coming into and going out of the Province; and toll gates seem to have been established at the frontier.

3. Subsequently there seems to have been correspondence between this Government

and

and the British Government about these toll gates and I hear that it was decided that there should be no more toll gates within five miles of a British toll gate. The gates then seem to have been shifted into the interior. The Periyapatna toll gate was then opened at the point where the road branches off in the direction towards Fraserpet and Siddapur. This perhaps was done with the object of leaving the Periyapatna people free to take out and bring in their carts along the Uppangeri or other road without payment of toll. But others also seem to have availed themselves of this. A cart coming from Fraserpet would pass along the Uppangeri road into the Fort and come out thence to the main road without paying toll. To avoid this the gates were shifted to the places where they now are

No such decision was arrived at. But no frontier toll gate may be newly opened without the previous consent of the British and the General file has been put up with another paper.

Vide G.P. No 1863 dated 22.8.05 22.8.05

Flag W

are. Periyapatna carts cannot now avoid the toll gates. The people have been complaining for over a year.

4 The Kanarese notification of 1899 referred to by the petitioner explicitly refers to ಪೈಕಿ ಒಂದು ಕಡೆಯಿಂದ ಮತ್ತೊಂದು ಕಡೆಗೆ ಪೈಕಿ ಇಂದ ಕ್ಕೂ ಕಡೆಯಿಂದ ಕ್ಕೂ ಎಂಬ. (Page 205 Part II of Mysore Gazette dated 27-4-99). This can be interpreted as an exemption of carts moving from one place to another within the Province. The English Notification refers to "Incoming and out-going traffic". The levy of tolls on out-going traffic was sanctioned in Govt. order No 4169-75 / L.F. 111-94 dated 8-10-1897 which is also referred to in the petition.

Extract put up Flag M bottom in Comm. of outgoing ಪೈಕಿ

Flag O

5 The people of Periyapatna own lands in the adjoining villages. It is a hardship to call upon them to pay tolls on their

carts or animals going to or coming from their lands. On their complaint a reference was made to Government and Government in their order no 9079-86/L.B.(315-03)-2 dated 5-3-06 called for the views of the District Board. This matter was not placed before the Board apparently because a similar question about the Kalegowdanhalli toll-gate of the Heggadadevanakote Taluk had been discussed at the meeting on 22-2-06 and draft rules had been approved. These draft rules relate to the exemption of carts belonging to agriculturists. Such exemption was referred to even in the Deputy Commissioner's letter no 27 of no 1893, recommending the establishment of toll-gates. He has said that "agriculturists in the immediate vicinity of

Flag S in the linked file.

Linked file no LB81-05

Flag T in the linked file.

LB 81-05

Flag Z.

of the stations where toll gates are esta-
-blished may also be furnished with -
licences for playing their carts locally
free from tax." There can be no difference
of opinion about exempting agriculturists.
6 If really the object is that carts -
coming into, and going out of the Province,
are to be taxed I do not see why all carts
going from one place to another in the
Province should not be exempted. I should
think that petty traders and others may
also be exempted. If a person living in
any village on the British side of Periya-
patna has to attend the Periyapatna -
Sante itself, whether as purchaser or seller,
he cannot avoide the toll-gates.
7 The case of Government officials tra-
-velling on duty has also to be taken into
consideration. Officials getting Travelling

allowances may well pay and Government have decided they should pay (Proceedings No R 4535/Mis 566-03-2 dated 25-11-04). I refer to officials such as Shekdars, Work Inspectors &c. who get no Travelling Allowance. These generally move about on horse back. It is nothing but fair to exempt these. I have written Yadis No 14 dated 27-8-06 and Yadi No 83 dated 26-11-06 in connection with the levy of tolls on Yedatore bridge from Govt. servants.

8 As stated in the 1st paragraph it is very necessary that all these questions should be settled early and before the auction sale of this year. There is before me a criminal case of Periyapatna in which it has been proved that there is strong ill feeling between some of the people and the toll-Contractor. The toll-Contractor says that on account of

their

this ill feeling he was severely beaten and robbed by these people; and the defence seems to be that the contractor, who was perhaps beaten and robbed by unknown persons, has complained against these people of Periyapatna on account of the ill-feeling. I am therefore sure that at the sale this year bidders will insist upon knowing the condition of sale. It will not do for the officer to be unable to tell them definately what these are. I would suggest that a reference may be made to Government early.

I have the honor to be
Sir
Your most obedient Servant.

"Copy"
Sd. A. Subramanya Iyer
Assistant Commissioner
Hunsur Sub division.

'Copy'
Deputy Commissioner
Mysore

G.R.S. 28]

DB File No. 393/06
Serial No 2

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

the 190

Date of issue 10.8.07.

Signed by

READ—

Letter no 671 dated the 20th march 1907 from the President of the District Board of Mysore soliciting orders as to whether toll should be levied on carts

ORDER THEREON.—NO.

of agriculturists and others plying through the toll gates, from one place to another within the limits of the State and on vehicles of such of the Government servants ~~that~~ as are not entitled to

over

SUBJECT

travelling allowances to
have to pass up and down
through the toll gates, while
travelling on duty.

Order thereon. 1360-8
LB 393-06.

9.10.07.

~~Government~~
~~direct that~~ The owners of
Carts, [~~other than Government~~
~~Servants~~] ~~should~~ Should be allowed
the option of compounding
for payment of tolls in
accordance with rules 64
of the Rules framed under the
Local Boards Regulation II of 1902, while
~~a~~ Government Servants, who are
not entitled to travelling allowances,
require exemption from payment
of toll which could easily
be effected by the Deputy
Commissioner's drawing up a
a list of such officials and
~~them~~ mentioning their number in the Mutchelika which has been executed
~~in the toll~~ by the Contractor's ~~motor-like~~
~~the officials will be locally well known~~

Or

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

~~Can carry~~ an exemption Certificate from the Deputy Commissioner being also held by such Officials for production before the Contractors or their Servants Whenever required.

3. The President is informed that the necessary amendment in the rules for this purpose will be issued in due Course.

Secretary
31/7/07

To the President. D.T.B. 31/7/07
" Comptroller.
" Presidents of Other District Boards & Dep: Comrs of Districts

May this be granted if approved?

Draft 8/8/07

Compd. 9/8